

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DELMAR P. GRAY,

Plaintiff,

v.

CHARLES HINSLEY, MARVIN POWERS and
TERRY CALIPER,

Defendants.

Case No. 04-cv-118-JPG

JUDGMENT

This matter having come before the Court, the issues having been heard, and the Court having rendered a decision,

IT IS HEREBY ORDERED AND ADJUDGED that Count 1, plaintiff Delmar P. Gray's claim of deliberate indifference to a serious medical need in violation of the Eighth Amendment, against defendants Charles Hinsley, Marvin Powers and Terry Caliper and Count 2, plaintiff Delmar P. Gray's claim of unconstitutional retaliation, against defendants Charles Hinsley, Marvin Powers and Terry Caliper in their official capacities are dismissed with prejudice;

IT IS FURTHER ORDERED AND ADJUDGED that judgment on Count 2 against defendants Charles Hinsley, Marvin Powers and Terry Caliper in their individual capacities is entered in favor of defendants Charles Hinsley, Marvin Powers and Terry Caliper and against plaintiff Delmar P. Gray, and that Count 2 against defendants Charles Hinsley, Marvin Powers and Terry Caliper in their individual capacities is dismissed with prejudice.

DATED: April 9, 2009

JUSTINE FLANAGAN, Acting Clerk

By:s/Deborah Agans, Deputy Clerk

Approved: s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**